



State and Consumer Services Agency – Edmund G. Brown Jr., Governor  
**BOARD OF BARBERING AND COSMETOLOGY**  
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# **CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY MINUTES OF OCTOBER 22, 2012**

**Paul Mitchell The School  
 3300 Hyland Avenue, Suite J  
 Costa Mesa, CA 92626**

**BOARD MEMBERS PRESENT**

Christie Truc Tran, President  
 Joseph Federico, Vice President  
 Deedee Crossett  
 Frank Lloyd  
 Richard Hedges  
 Katie Dawson

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
 Gary Duke, Legal Counsel  
 Tandra Guess, Executive Analyst

**Members Absent:**

Wen Ling Cheng

**1. Agenda Item #1, Call to Order/Roll Call**

Ms. Tran called the meeting to order at 10:00 a.m. She welcomed the attendees to the meeting. The Board members introduced themselves.

**2. Agenda Item, #2, Public Comment**

*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125 (a)]*

Ceasar Santiesteban asked why there were no active barbers on the Board. Ms. Underwood stated the Governor appointed members to the Board. There is a vacancy on the Board and she recommended anyone interested to take a look at the Governor's website.

Nancy Reyes asked if the schools could be kept updated as to changes in the National Exam. Ms. Underwood noted the changes were on the website. An overview of the exam will be webcast online on October 31, 2012.

**3. Agenda Item #3, Board President's Report**

Ms. Tran did not have anything to report.

Ms. Crossett thanked students and school officials for attending the meeting.

#### 4. Agenda Item #4, Executive Officer Report

- **Review of Board Statistics**

Ms. Underwood provided a brief summary of the board statistics of the first quarter.

- **Committee Updates**

Ms. Underwood reported the implementation of the Breeze system has been delayed until early 2013. Schools will be able to receive information on Pass/Fail results. Ms. Dawson asked if data will be available on training via on-the-job and educational; Ms. Underwood said it is available but it has not yet been extracted.

The website is being designed to be more user friendly and should be available by the end of November. Ms. Underwood discussed the "If You See Something, Say Something" Campaign to keep consumers aware and involved.

Ms. Underwood noted committees did not meet due to the extensive work required for the preparation of the Sunset Review Report. Committee meetings will be scheduled for the near future.

Mr. Hedges noted the Disciplinary Review Committee (DRC) cases are backlogged because more people are appealing by written testimony. They have repeat violators doing written testimony to avoid paying their fines for up to 1-1/2 years. Changes have been made to where anyone receiving more than one violation needs to address the committee in person. He recommended adding the clause to swear to tell the truth under penalty of perjury to the written appeal.

Mr. Hedges stated manicurists who are asked to massage shoulders could get a large fine if seen by the inspectors. He asked for a brief discussion on this. Ms. Crossett stated this was outside of the scope of practice as described and massagers needed to be registered with their county after required hours. There could be potential danger if someone did not know what they were doing and it may not be covered by insurance. Pedicures and manicures must stop at the knees and elbows.

#### **Public Comment**

Peter Westbrook asked about Breeze and pre-application. He noted some students will take the examination without a proof of training (POT) document and wondered if Breeze will keep track of this. Ms. Underwood confirmed Breeze will address this issue, hopefully electronically and automatically. Procedures are also being explored to address the problem. She noted schools were not required to inform the Board that a student has stopped attending.

Nadine Bruders believed in the past schools were asked to send in lists every Friday of students who had completed 1600 hours and could take the exam. This practice is no longer required.

Patty Glover did not believe her school had this problem.

Peter Westbrook noted students provide an estimated date of completion when they pre-apply to take the exam. However, they may not meet the requirements but take the test anyway. He believed it would be a violation of PERPA laws to notify the Board if a student has stop attending classes.

Linh Nguyen from Advance Beauty College asked how the Board prefers to receive the POT document, by fax or email. It was confirmed that POT's could be sent in either by fax or email. Ms. Underwood stated this information will be sent to the schools for clarification.

**5. Agenda Item #5, Approval of Board Meeting Minutes**

- **July 30, 2012**
- **July 31, 2012**

Upon a motion by Mr. Hedges, seconded by Mr. Federico, the minutes were approved by a vote of 5-0-1 (Crossett).

**6. Agenda Item #6, Regulations Updates**

- **Inspection of Examination Papers/Text and Reference Books for Students.**

The regulation was approved.

**7. Agenda Item #7, Final Review of the Completed Sunset Review Report**

Ms. Underwood commended staff for their hard work on the Sunset Review Report. It is due to the Legislature on November 1, 2012. Mr. Hedges stated the foot spa working group was included in the previous Sunset Review Report. Hearings will be held in March 2013 and public support was encouraged. Ms. Underwood encouraged people to sign up on the interested parties list so they can be notified.

- **Approval of Recommendation to License Braiders**

This recommendation is to license braiders who are working in salons.

- **Approval of Recommendation to Regulate Schools**

This recommendation is focused on schools under the Board's prevue and not dual oversight of the Board and Bureau of Private Post Secondary.

**Public Comment**

Ken Williams commended staff for the report and believed it was a realistic view of how important the Board is to the beauty industry. He stated the above issues were very important and should be included. He believed continuing education was very important. Ms. Dawson agreed but was concerned about braiders who run their own salons. She was concerned about public health and safety. Mr. Williams agreed health and safety were important and damage could be caused by improper braiding. Ms. Dawson asked if the recommendation could be expanded to include braiders working in their own salons. Ms. Underwood clarified the intent was if a braider was charging the consumer a fee, they need to be licensed. If they are working in a salon, then the salon also needs to be licensed.

Jerry Tyler stated he was recognized as a Subject Matter Expert by a textbook company for natural hair. He was happy to see the Board being proactive in this growing trend but asked the Board to look beyond braiding, into such areas as locking and natural hair care. The number one cause of hair loss in the ethnic community is improper braiding (traction alopecia). He believed natural hair care

should be looked at as a whole. Ms. Crossett believed this could be covered in the current curriculum.

Patty Glover asked how the regulations would affect community colleges. Ms. Underwood clarified the regulation did not change the oversight of community colleges.

Upon a motion by Mr. Hedges, seconded by Mr. Federico, the Final Report was approved by a 6-0 roll call vote.

## **8. Agenda Item #8, Discussion of Imposing Continuing Education Recruitments for Board Licensees**

Ms. Dawson expressed her concerns about the lack of continuing education as there are constant changes and updates in the industry. She noted the high number of repeat violation offenders and believed the causes should be investigated. Mr. Hedges stated on the first offense in the past violators were allowed to waive fines. He noted this caused a backlog and any new requirement should have a good plan. He recommended possibly second time violators should be required to receive more education. Mr. Lloyd believed it would be best to require continuing education to renew the license every two years and it would be sent in with the renewal. Ms. Dawson stated there could be online courses for repeat violators, law updates, and infection control. Everyone needs to keep abreast of the changes. Ms. Crossett stated the State of Illinois requires continuing education. She noted classes are offered at trade shows and can be tracked electronically. She agreed proof should be included in the renewal to keep mail at a minimum. She believed every industry member can learn no matter how good they are. Mr. Lloyd believed continuing education could answer some questions to avoid violations and fines. Ms. Dawson noted in the dental community, experts were asked to prepare the questions. Mr. Federico wondered if the establishment license could be included in the continuing education that would include health and safety.

### **Public Comment**

Jaime Schraback of Precision Nails taught continuing education classes in Ohio. She noted the topics covered went beyond health and safety and included booth rentals vs. employee and other legal issues not covered in schools. She stated it eliminates ignorance as an excuse and should be covered every two years. She recommended the processes in other states be examined for the most efficient procedures. Ms. Crossett hoped the Breeze system will identify subject matters that may need more education.

Peter Westbrook noted North Carolina required continuing education and certified different trainings for education. He stated continuing education for instructors in California was required in the past and may provide a good model.

Jerry Tyler stated as a prior member of the DRC, he found a lot of licensees and business owners being fined over not knowing the dynamics of the industry. He agreed continuing education should be required as a way of reaching licensees with updates. He noted textbooks were updated every two to three years and this would coincide with renewals. He reported some states have core classes and other classes are added as needed.

Janet Baincoat asked if instructors would be required to have more continuing education hours. Instructors are not currently licensed.

Cesar Santiesteban commented on dual oversight. He wondered if the Board members that were not industry related were experienced enough to oversee the schools. Ms.

Dawson stated not everyone could be appointed to the Board and everyone was well qualified. Mr. Hedges reviewed the structure of the Board. He stated the members were dedicated to the Board and the industry. Mr. Lloyd noted the current industry members (3) were active.

**9. Agenda Item #9, Discussion on Remedial Training for Repeat Offenders**

Ms. Underwood proposed a legislation committee be convened to address agenda items #8 and #9.

**10. Agenda Item #10, Discussion on the Current Guidelines for Board Inspectors**

Ms. Dawson asked how the Board handled a complaint about an inspector. Ms. Underwood stated there is a formal process which begins with a written complaint. The complaints are tracked and handled by the Inspections Manager and Field Supervisors. The complainant and inspector may be contacted. The Board encourages everyone to inform them of any complaints. She noted a progressive discipline process is followed, if warranted, as inspectors are civil servants. Every situation is handled differently and inspectors can receive additional training. Ms. Underwood noted inspectors are trained when they are first hired. She hoped to conduct a regular yearly training meeting but the Department is under Executive Order to not travel, so this would not be possible. Email is the primary communication to relay information to inspectors. Mr. Hedges believed 25% of DRC violators complain about the inspectors but things are looked at subjectively. Mr. Lloyd noted the DRC does give the violators information on how to file a complaint. Ms. Crossett encouraged meeting attendees to be respectful toward the inspectors for a better experience.

**11. Agenda Item #11, Review and Approval of the Board's Proposed Strategic Plan (2012-2017)**

Ms. Underwood presented the final Strategic Plan. She noted the plan will be dated 2013-2017. Ms. Crossett asked if the advanced esthetic license goal was discussed. Mr. Hedges stated it was not included because the focus on oversight of schools would be time consuming. Ms. Underwood clarified it can be included in goal six, Regulation and Legislation.

**Public Comment**

Ken Williams asked who in the audience would volunteer to assist the Board in becoming stronger with a letter writing campaign. Many people volunteered. He noted it is the largest Board in the state. In addition, he believed temporary licenses could be offered to allow students to work until they can be tested.

Upon a motion by Mr. Hedges, seconded by Mr. Federico, the Strategic Plan was approved by as 6-0 vote.

**12. Agenda Item #12, Agenda Items for Next Meeting**

Ms. Crossett asked if the establishment license could be linked to the SBA website; Ms. Underwood will research and report at the next meeting. Ms. Crossett asked the attendees to follow the Board on Twitter (@ca\_bbc) and on Facebook (California State Board of Barbering and Cosmetology). Ms. Underwood asked the attendees to inform them of any events to include on Facebook.

The next Board meeting will be November 1, 2012 for reinstatement hearings. The next general Board meeting will be held in January 2013.

**13. Agenda Item #13, Public Comment**

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[Government Code Sections 11125, 11125 (a)]*

Michelle from Marinellos College of Hairstyling has received feedback from students that the updated Milady's textbook is not reflective of the written National Exam. Ms. Crossett recommended the online comprehensive.

The meeting was adjourned to the closed session.

**14. Agenda Item #14, Closed Session to Discuss Enforcement Cases**

- **Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3).**

**15. Agenda Item #15, ADJOURNMENT**

The board returned to open session. With no further business, the meeting was adjourned.